

REMARKS**Rejections Under 35 USC 102**

The Office Action rejects claims 40-89 presently pending in the application as being anticipated by U.S. Patent No. 5,884,032 of Bateman.

Independent claim 40, as amended, recites a method of establishing a communications call that includes enabling an A party to select a B party using an interactive device connected to a public network, which comprises a *messaging network*, e.g., a TCP/IP messaging network. In response to selection of the B party, the messaging network is utilized to access called address data for the B party from a public directory of the public network. The called address data for the B party and calling address data for the A party are sent to a connection module of the public network; and a call is established between the A and B parties over the public network by employing the connection module and the called and calling address data.

As noted in response to the previous Office Action, Bateman discloses a call center that allows a customer to utilize equipment present on its premises (e.g., a computer and a telephone) to submit a *help call request* to the center, and to receive, in response, a call back from an agent working at the call center. For example, with reference to FIGURE 1 of Bateman, the customer can submit an HTML form 52 containing its telephone number to server 46 of the call center, which in turn passes this information (together with a time stamp) to an outbound dialing system 32. The customer's URL and telephone number are entered into a "HOTLIST," which can be accessed by a next available agent for establishing a call with the customer. In other words, the "HOTLIST" includes the telephone numbers of interested customers, which are to be called as soon as an agent becomes available, or based on a schedule.

Bateman does not teach or suggest enabling a customer to choose a particular agent (i.e., a B party). Rather, it simply allows the customer to submit a *help request* to the call center. In other words, the selection of a particular agent to respond to the customer's request is not dictated by the customer, but rather it is based on which agent is available for responding to the customer's request. It is the call center, not the customer, that selects an agent to communicate

with the customer. In contrast, amended claim 40 recites a step of *enabling an A party to select a B party using an interactive device connected to a public network*.

The Examiner states that the “MMM50 ‘Hotlist’ is a public directory because it is part of the Server 28 which is on the Internet...” Applicants respectfully disagree. The MMM 50 (a multimedia message manager) and the HOTLIST are two separate entities. The HOTLIST is a database containing customers’ telephone numbers while MMM 50 functions as a “clearing house point in scheduling calls between customers and ACD agents and vice versa.” See Bateman, Col. 7, lines 43-44. Further, contrary to the Examiner’s assertion, the HOTLIST is not implemented on the server 28, but is rather part of an outbound dialing system 32 (See FIGURE 1 of Bateman). More specifically, at Col. 5, lines 41-44, Bateman recites: “This outbound dialing system 32 contains HOTLIST of telephone Numbers of HOT leads (qualified or interested leads) which are to be called as soon as an agent becomes available or at a time preferred by the customer.”

Hence, Applicants respectfully maintains that the HOTLIST does not amount to a public directory that can be accessed by the public at large. There is no need in the operation of the call center to provide the customers’ telephone numbers to the public. In fact, as noted in the response to the previous Office Action, this would be counter-productive because it could allow competitors to have access to a list of interested customers and their calling data.

Thus, Bateman fails to teach or suggest features of claim 40, including enabling an A party to select a B party and accessing called address data of the selected B party via a public directory. Hence, claim 40 distinguishes patentably over Bateman.

Similar arguments apply with equal force to establish that the remaining claims (i.e. claims 41-89) are also patentable. For example, claim 50 recites an interface of an interactive device for originating a communications call that includes a display controller for causing display of at least one B party, and a selector for enabling an A party to select a B party on the display. The interface further includes a link that upon activation sends selected party data corresponding to the B party to a public network, whereby the public network accesses the called address data of the B party in a public directory, via a messaging network, on the basis of the

selected party data and forwards the called address data to a connection module of the public network to establish a call with the B party. Bateman does not teach a display controller and a selector for displaying one or more agents, e.g., a list of agent names, to the customer and for enabling the customer to select an agent with whom a call can be established. In fact, as discussed in detail above, it is the call center, and not the customer, that selects an agent for responding to the customer's request.

In Paragraph 4, the Office Action rejects claims 40-41, 45-46, 50-51, 56-57, 60-61, 69-70, 73 and 77 as being anticipated by U.S. Patent No. 4,979,206 of Padden.

Padden is generally directed to a system for automatically obtaining directory assistance, which connects a customer requesting directory assistance to an automatic speech recognition unit (ASR), and prompts the customer to identify a requested directory number. The ASRU converts the customer's speech signals to data signals for searching a directory. If the search identifies the desired number, it is sent to the customer, and the customer is prompted to indicate whether a call to the identified number should be made.

Unlike claim 40, Padden's system does not include a messaging network, such as the Internet. More specifically, the Padden's system does not utilize a messaging network for accessing the requested telephone number from a database. Rather, with reference to FIGURE 1 of Padden, conventional data links 59 and 58 connect the searchable database to the control system 10 and the audio response unit 60.

Hence, claim 40 distinguishes patentably over Padden, as well.

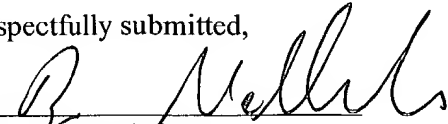
The same arguments apply to establish that the remaining claims also distinguish patentably over Padden. In particular, similar to claim 40, these claims recite that a *messaging network* is employed to obtain the called address data of one or more parties selected by a user, e.g., via an interactive device. As noted above, Padden does not utilize a messaging network for accessing a requested telephone number.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of the application. The Examiner is invited to call the undersigned at (617) 439-2514 if there are any questions.

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